

ANDREW DEYOUNG,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. _____
	)	
BRIAN OWENS, Commissioner,	)	
Georgia Department of Corrections	)	<b>EXECUTION SCHEDULED</b>
	)	<b>JULY 20, 2011, 7:00 P.M.</b>
CARL HUMPHREY, Warden,	)	
Georgia Diagnostic Prison	)	
	)	
OTHER UNKNOWN EMPLOYEES	)	
AND AGENTS,	)	
Georgia Department of Corrections,	)	
	)	
Defendants.	)	
	)	
	/	

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SUPPLEMENTAL AUTHORITY  
IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER

On July 19, 2011, the Superior Court of Butts County, Judge Bensonetta Tipton Lane sitting by designation, entered an order for the videotaping of Plaintiff's execution and its observation by a forensic expert. *See* Order Compelling Respondent to Allow Preservation of evidence of Execution by Lethal Injection, attached hereto. The Court explained the reason for the Order:

The Court is not making a finding that any executions have been "botched" but is finding that **there are many facts relevant to the constitutionality of the State's execution process that it has refrained from disclosing to those who seek to challenge it.** The

merits of the petitioner's method of execution are not before the Court at this time. The question currently before the Court is the petitioner's request to gather further evidence relevant to his claim.

\* \* \*

It appears to the Court that the type of evidence the petitioner seeks to preserve is of a type that is likely to be relevant to a determination regarding whether the method of execution proposed by the respondent violates federal and state constitutional restrictions against inflicting cruel and unusual punishment.

*Walker v. Humphrey*, Butts County No. 2008-V-1088 at 4, 5 (emphasis added).

The *Walker* Court's order is further evidence in support of the fact that Petitioner has made the necessary showing for a temporary restraining order, discovery, and a full evidentiary hearing.

This 20th day of July, 2011.

Respectfully submitted,

s:/ Jeffrey L. Ertel

Jeffrey L. Ertel

Georgia Bar No. 249966

Federal Defender Program, Inc.

101 Marietta Street, NW, Suite 1500

Atlanta, Georgia 30303

(404) 688-7530

Jeff\_Ertel@fd.org

Brian Kammer  
Georgia Bar No. 406322  
Georgia Resource Center  
303 Elizabeth Street, NE  
Atlanta, GA 30307  
(404) 222-9202  
Email: [georgiaresource@mindspring.com](mailto:georgiaresource@mindspring.com)

Mark E. Olive  
Georgia Bar No. 551680  
Law Office of Mark E. Olive, P.A.  
320 West Jefferson Street  
Tallahassee, Florida 32301  
(850) 224-0004  
(850) 224-3331 (facsimile)  
[Meolive@aol.com](mailto:Meolive@aol.com)

COUNSEL FOR MR. DEYOUNG

CERTIFICATE OF SERVICE

I hereby certify that this pleading has been filed electronically with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney of record:

Theresa M. Schiefer  
Sabrina Graham  
Assistant Attorney Generals  
Beth Attaway Burton  
Senior Assistant Attorney General  
Office of Attorney General  
132 State Judicial Building  
40 Capitol Square, S.W.  
Atlanta, Georgia 30334

and via facsimile to: (404) 651-6459

Dated: This 20th day of July, 2011.

s:/ Jeffrey L. Ertel